

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

Jonathan R., minor, by Next)	
Friend Sarah DIXON, <i>et. al.</i>)	
)	
Plaintiffs,)	
)	
v.)	Case No. 3:19-cv-00710
)	
Jim JUSTICE, in his official capacity as the)	
Governor of West Virginia, <i>et. al.</i>)	
)	
Defendants.)	

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' MOTION FOR LEAVE TO
FILE UNDER SEAL**

Pursuant to Local Rules 5.2.1 and 26.4(b), and the Protective Order, ECF No. 78, Plaintiffs move for leave to file under seal the unredacted version of Plaintiffs' Exhibits 6, 10, 51, 55, 57, 60, 64, 71, 72, 79, 82, 92, 96, 97, 98, 101, 102, 108, 109, 113, and 128 filed in support of Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment.

The unredacted Exhibits include personal identifying and confidential information that relate to juvenile proceedings, which W. Va. Code §§ 49- 5-101 and 49-5-103 protect. *See also State ex rel. Garden State Newspapers, Inc. v. Hoke*, 520 S.E.2d 186, 193 (W. Va. 1999) ("This state generally protects the confidentiality of juveniles by mandating that judicial proceedings and court records concerning juveniles are closed to the public."). This information also falls under the provisions of the Protective Order entered by Magistrate Judge Eifert on April 3, 2020. ECF No. 78.

Filing these documents under seal will protect the privacy and confidentiality of Plaintiffs and their families. Less restrictive alternatives to sealing do not exist. The identities of specific

children that were or are in foster care, and other sensitive and confidential information that relates to their involvement with juvenile abuse and neglect proceedings and the juvenile justice system, directly pertains to refuting Defendants' grounds for moving to for summary judgment. Accordingly, the redaction of such information would prevent the Court from seeing relevant information. Plaintiffs nonetheless seek to continue to protect the confidentiality of this information to the maximum extent possible, and comply with their obligations under state law.

Plaintiffs request that these documents remain under seal for the duration of the above captioned litigation.

Date: July 30, 2024

Respectfully submitted,

/s/ Marcia Robinson Lowry

Marcia R. Lowry, *admitted pro hac vice*

Julia Tebor, *admitted pro hac vice*

Laura Welikson, *admitted hac vice*

Robyn Goldberg, *admitted pro hac vice*

A Better Childhood

355 Lexington Avenue, Floor 16

New York, NY 10017

Tel.: (646) 795-4456

Fax: (212) 692-0415

mlowry@abetterchildhood.org

jtebor@abetterchildhood.org

lwelikson@abetterchildhood.org

rgoldberg@abetterchildhood.org

/s/ J. Alexander Meade

Shaffer & Shaffer, PLLC

Richard W. Walters, WVSB #6809

rwalters@shafferlaw.net

J. Alexander Meade, WVSB #13021

ameade@shafferlaw.net

2116 Kanawha Boulevard, East

P.O. Box 3973

Charleston, WV 25339

Tel: (304) 244-8716

Fax: (304) 344-1481

/s/ Andrew Castillo

Disability Rights of West Virginia

Andrew Castillo, WVSB #14358

acastillo@drofwv.org

5088 Washington St. W., Suite 300

Charleston, WV 25301

Tel: (304) 346-0847

Fax: (304) 346-0687